



TERMINAL DISCLAIMER TO OBLIVIATE  
A PROVISIONAL DOUBLE PATENTING REJECTION  
OVER A PENDING "REFERENCE" APPLICATION

Attorney Docket 056707-5001-01

In re Application of: Gregory M. Glenn *et al.*

Application No. 10/790,715

Filed: March 3, 2004

For: Use of Penetration Enhancers and Barrier Disruption Methods to Enhance the Transcutaneous Immune Response

The owner, The Government of the United States, as represented by the Secretary of the Army, U.S. Army Medical Research and Materiel Command of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/266,803, filed on March 12, 1999, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (*e.g.*, corporation, partnership, university, etc.) the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

November 8, 2005

Erich E. Veitenheimer

Date

Signature

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Erich E. Veitenheimer, III, Ph.D. Registration No. 40,420

Phone

Name

Terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

PTO suggested wording for terminal disclaimer was

unchanged.  changed (if changed, an explanation should be supplied).

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued;
- or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

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